

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appln No.:	10/035,027)	
Applicants:	Xiangyang Zhuang et al.)	Confirmation No. 9194
Filed:	December 28, 2001)	
For:	DATA TRANSMISSION AND RECEPTION METHOD AND APPARATUS AND METHOD)	This Appeal Brief was electronically filed using the USPTO's EFS-Web.
TC/A.U.:	2664)	
Examiner:	Chuong T. Ho)	
)	
Docket No.:	CR00311M (72463))	
Customer No.:	22242)	

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated December 26, 2006, as entered in the above-captioned matter, the applicants' Appeal Brief was identified as defective for failing to provide an appropriate summary of claimed subject matter. The Patent Appeal Center Specialist offered the following explanation:

The claimed invention is not mapped to independent claims 1, 12, and 17, which shall refer to the specification by page and line number and to the drawings, if any.

The applicant has carefully reviewed the summary section and, with all due respect, finds the present text to be fully compliant with the requirements of 37 C.F.R. §41.37. Particular reliance was made by the Examiner with respect to the requirements of 35 C.F.R. §41.37(c)(1)(v). That section first requires:

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawings, if any, by reference characters.

This is exactly what the present summary section in the Appeal Brief provides. The subject matter of the independent claims is presented, in prose format, including references to the

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specification by page and line number (via corresponding footnotes) as well as reference characters. As to the latter requirement, the summary section even includes presentations of the figures that are referred to in this way.

This portion of the Code of Federal Regulations then provides as follows:

For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. §112, 6th paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

There are *no* independent or dependent claims being presented for argument that include a means plus function or step plus function recitation. Therefore, this section of 35 C.F.R. §41.37(c)(1)(v) is *not* applicable.

There are no other specific requirements set forth in the Code of Federal Regulations. There is, in particular, *no* requirement that a “map” of any kind be provided; any demand for such a presentation is beyond the requirements of the rules and regulations. The applicant therefore respectfully submits that the summary of claimed subject matter section of the Appeal Brief is fully compliant with the requirements of the Code of Federal Regulations and is in suitable condition to support consideration by the Board.

Respectfully submitted,

By:



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